IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13765 of 2005

Between:

B. Nagaiah, S/o. Ramaiah, Conductor E.251286,
R/o. Narayanpet(Tq.) Medak District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC, Medak Region, Medak District.
2. The Divisional Manager, APSRTC, Medak Divisional, Medak District.
3. The Depot Manager, APSRTC, Narayankhed Bus Depot, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the Proceedings No. 02/95(27)/02 NKD, dt. 03-9-2002 as illegal, arbitrary and unjust and consequently set aside the proceedings No. 02/95(27)/02 NKD, dt. 03-9-2002 issued by the 3rd Respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order passed by the third respondent, dated 03.09.2002, under which, the third respondent imposed the punishment of withholding annual increments of the petitioner for a period of two years with cumulative effect.

The grievance of the petitioner is that the third respondent issued a charge sheet on certain alleged irregularities calling for his explanation, to which the petitioner states to have submitted his explanation. If the third respondent is not satisfied with the explanation offered by the petitioner, instead of conducting regular departmental enquiry, he imposed major punishment of withholding annual increments for a period of two years with cumulative effect. Therefore, the said order passed by the respondent-authorities is illegal and unsustainable.

The learned counsel for the petitioner relied upon a judgment of this Court in **Mythili Education Society v Government of Andhra Pradesh**, wherein similar order was set aside on the ground that the major punishment of withholding annual increments with cumulative

effect was imposed without conducting regular departmental enquiry.

The learned Standing Counsel appearing for the respondents, though tried to sustain the order, conceded as to the judgment of this Court referred to above.

As the imposition of major penalty without conducting regular departmental enquiry is illegal, the same is set aside. However, it is made clear that the respondents are at liberty either to conduct regular enquiry, if they so choose, or impose a minor punishment without cumulative effect as to withholding the annual increments as ordered by the third respondent.

The writ petition is accordingly disposed of. No costs.

_____

28.06.2005

VGB

To

1. The Regional Manager, APSRTC, Medak Region, Medak District.
2. The Divisional Manager, APSRTC, Medak Divisional, Medak District.
3. The Depot Manager, APSRTC, Narayankhed Bus Depot, Medak District.
4. 2CD copies.